

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

WANDA WILLINGHAM et al.,

Plaintiffs,

v.

No. 04-CV-369
(DRH)

COUNTY OF ALBANY et al.,

Defendants.

CLIFTON M. DIXON,

Proposed Intervenor.

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

ORDER

Clifton M. Dixon ("Dixon"), proceeding pro se, has moved this Court for an order pursuant to Fed. R. Civ. P. 24 allowing him to intervene in the above-captioned case to join a motion previously filed by plaintiff Ashley Perez ("Perez")¹ for an order compelling defendants County of Albany and the Albany County Board of Elections to comply with the Consent Judgment filed in this case on January 22, 2007.² Docket Nos. 57-59. For at least three reasons, that motion must be denied. First, Perez's motion has been denied and Dixon's motion to intervene to seek the same relief is now moot. Second, Perez adequately represented the interests of Dixon on the motion presenting essentially the same factual and legal arguments. See Fed. R. Civ. P. 24(a).³ Finally, for the reasons stated on the

¹Docket No. 147.

²Docket No. 146

³Dixon's moving papers also fail to indicate that his motion papers were served on the other parties to the action as required by Fed. R. Civ. P. 24(c) (requiring service on opposing parties); see also Fed. R. Civ. P. 5(d) (requiring the filing of a certificate of service attesting to service of papers on other parties).


decision denying Perez's motion, Dixon's motion lacks merit. See Memorandum-Decision and Order (Docket No. 160).

WHEREFORE, it is hereby

ORDERED that Dixon's motion to intervene and for an order compelling compliance with the Consent Judgment filed January 22, 2007 (Docket Nos. 157-59) is **DENIED** in all respects.

IT IS SO ORDERED.

DATED: January 7, 2008
Albany, New York



United States Magistrate Judge